

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 19-cr-127-jdp

JEREMY SCHENCK,
Aka Emily,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On September 18, 2019, a federal grand jury sitting in Madison, Wisconsin returned an indictment against defendant Jeremy Schenck, a.k.a. Emily.
2. Count One of the indictment charged that between on or about September 22, 2017, and on or about August 31, 2018, exact date unknown, the defendant knowingly and intentionally used a minor, Minor A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate and foreign commerce, specifically, the defendant used a Seagate 1TB hard drive to produce a visual depiction, an image with file name "IMG_4242.jpg," of Minor A engaged in sexually explicit conduct in violation of 18 U.S.C. § 2251(a).

3. Count Two charged that between on or about September 22, 2017, and on or about August 31, 2018, exact date unknown, the defendant knowingly and intentionally used a minor, Minor A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate and foreign commerce, specifically, the defendant used a Seagate 1TB hard drive to produce a visual depiction, an image with file name "IMG_4243.jpg," of Minor A engaged in sexually explicit conduct in violation of 18 U.S.C. § 2251(a).

4. Count Three charged that between on or about September 22, 2017, and on or about August 31, 2018, exact date unknown, the defendant knowingly and intentionally used a minor, Minor A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate and foreign commerce, specifically, the defendant used a Seagate 1TB hard drive to produce a visual depiction, an image with file name "IMG_4244.jpg," of Minor A engaged in sexually explicit conduct in violation of 18 U.S.C. § 2251(a).

5. Count Four charged that on or about November 6, 2018, the defendant knowingly distributed a visual depiction using any means or facility of interstate and foreign commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and the depiction was of such conduct.

6. Specifically, the defendant used Kik messenger to send an image beginning with 3fdb8acf, depicting a minor engaged in sexually explicit conduct, to a person in North Dakota in violation of 18 U.S.C. § 2252(a)(2).

7. The indictment also contained a forfeiture allegation for the forfeiture of:

- a. any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained; and
- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including an Apple iPhone 8 Plus, IMEI: 356770088462351, a Seagate 1TB hard drive, serial number: Z9AF67DR, a Toshiba 500GB laptop, serial number: 4616DoGS, and a Western Digital external 4TB hard drive, serial number: WCC7K7VE992A.

ECF No. 8.

8. On February 5, 2020, the defendant pleaded guilty to Count One of the indictment. In the plea agreement, the defendant agreed to the forfeiture of Apple iPhone 8 Plus, a Seagate 1TB hard drive, a Toshiba 500GB laptop, and a Western Digital external 4TB hard drive. ECF. No. 28.

IT IS THEREFORE ORDERED:

1. That based upon Jeremy Schenck's plea, and pursuant to 18 U.S.C. § 2253; 21 U.S.C. § 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following:

- a. any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained; and
- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including property specifically described as an Apple iPhone 8 Plus, IMEI:

356770088462351; a Seagate 1TB hard drive, serial number: Z9AF67DR; a Toshiba 500GB laptop, serial number: 4616DoGS; and a Western Digital external 4TB hard drive, serial number: WCC7K7VE992A.

2. The government is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 6TH day of February 2020.

A handwritten signature in black ink, appearing to read "James D. Peterson", written over a horizontal line.

JAMES D. PETERSON
United States District Judge